

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

DOUGLAS HENRY TOALSTON, )  
Plaintiff, )  
v. ) Civil No. 3:07-0506  
BRIDGESTONE FIRESTONE ) Judge Trauger  
NORTH AMERICAN TIRE, LLC, ) Magistrate Judge Brown  
Defendant. )

**MEMORANDUM and ORDER**

On April 17, 2008, the Magistrate Judge issued a Report and Recommendation (Docket No. 48), to which the defendant has filed Objections (Docket No. 50). The Report and Recommendation deals with dispositive matters. Therefore, this court reviews *de novo* any portion of the Report and Recommendation to which specific objections are made. Rule 72(b), FED. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Curtis*, 237 F.3d 598, 603 (6<sup>th</sup> Cir. 2001); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6<sup>th</sup> Cir. 1993).

The first objection relates to the fact that the Magistrate Judge did not find the plaintiff's claims under Title VII and the ADA time-barred. This objection is **OVERRULED**. The Magistrate Judge recommended the dismissal of the Title VII and ADA claims on their merits, after an exhaustive analysis. In the interest of judicial economy, the court declines to engage in additional analysis in order to dismiss these claims on grounds in addition to those found by the Magistrate Judge.

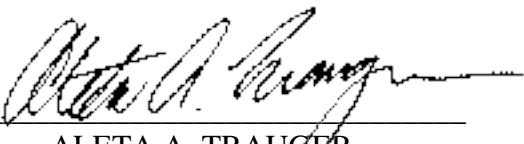
The defendant also objects to the remanding of the remaining state law claims to the Rutherford County Circuit Court for want of jurisdiction. The defendant argued in its Motion for

Summary Judgment that "This lawsuit is a continued attempt to relitigate his workers' compensation lawsuit and change Tennessee workers' compensation laws." (Docket No. 38 at 2) The Magistrate Judge concurred in this analysis (Docket No 48 at 14) and thus ordered the remand of these claims. The court has reviewed the filings by the plaintiff and agrees with both the original position of the defendant and with the Magistrate Judge, thus finding no merit in the defendant's assertion made in its Objections that these claims have nothing to do with the Tennessee Workers' Compensation Act (Docket No. 50 at 3). For these reasons, the second objection is **OVERRULED** as well.

The Report and Recommendation (Docket No. 48) is **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the defendant's Motion for Summary Judgment is **GRANTED** as to the plaintiff's claims under Title VII, the Americans With Disabilities Act, and 42 U.S.C. § 1981, and those claims are **DISMISSED** for failure to state a claim upon which relief may be granted. The plaintiff's state law claims are **REMANDED** to the Rutherford County Circuit Court, from which this action was removed by the defendant, for want of jurisdiction.

It is so **ORDERED**.

Enter this 27<sup>th</sup> day of June 2008.



ALETA A. TRAUGER  
U.S. District Judge